

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

**STIPULATION FOR THE AWARD AND  
PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT, 28 U.S.C.  
§ 2412(d)**

1 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
2 subject to the approval of the Court, that Plaintiff Michael Carl Aceto be awarded attorney fees and  
3 expenses in the amount of five thousand eight hundred ninety-eight dollars and twenty-five cents  
4 (\$5,898.25) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the  
5 amount of four hundred dollars (\$400.00) under 28 U.S.C. § 1920. This amount represents  
6 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this  
7 civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

8 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
9 matter of Plaintiff's assignment of EAJA fees to Olinsky Law Group. Pursuant to *Astrue v. Ratliff*,  
10 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will  
11 depend on whether the fees are subject to any offset allowed under the United States Department of  
12 the Treasury's Offset Program. After the order for EAJA fees is entered, the government will  
13 determine whether they are subject to any offset.

14 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that  
15 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and  
16 expenses to be made directly to Olinsky Law Group, pursuant to the assignment executed by Plaintiff.  
17 Any payments made shall be delivered to Olinsky Law Group, 250 South Clinton Street, Suite 210,  
18 Syracuse, NY 13202 (EIN 26-2258247).

19 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney  
20 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or  
21 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and  
22 all claims that Plaintiff and/or Olinsky Law Group and Hal Taylor may have relating to EAJA attorney  
23 fees in connection with this action.

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1 This award is without prejudice to the rights of Hal Taylor and/or Olinsky Law Group to seek  
2 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of  
3 the EAJA.

4 Dated: March 22, 2022

Respectfully submitted,

5 OF COUNSEL, OLINSKY LAW GROUP

6 /s/ Hal Taylor  
7 HAL TAYLOR  
8 Attorney for Plaintiff

9  
10 Dated: March 22, 2022

Respectfully submitted,

11 CHRISTOPHER CHIOU  
12 Acting United States Attorney  
District of Nevada  
Nevada Bar No. 14853

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17 Attorneys for Defendant

18  
19 IT IS SO ORDERED.

20  
21 IT IS FURTHER ORDERED that the Motion for  
22 Attorney's Fees (ECF No. 26) is DENIED with  
prejudice.

23   
24 U.S. MAGISTRATE JUDGE

25 Dated: March 22, 2022